



Texas Juvenile Justice Department

Board Meeting

11209 Metric Blvd., Building H – Lone Star Conference Room

Austin, Texas 78757

Friday, October 24, 2014 – 9:00 a.m.

BOARD MEMBERS PRESENT:

Scott W. Fisher, Board Chairman
The Honorable John Brieden III
MaryLou Mendoza
The Honorable Jimmy Smith
Scott Matthew
The Honorable Laura Parker
Jane Anderson King
Melissa Weiss
Calvin Stephens
Joseph Brown

BOARD MEMBERS ABSENT:

Dr. Rene Olvera
The Honorable Carol Bush
The Honorable Becky Gregory

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Roland Luna, Chief Inspector General
Jim Hurley, Communications Director
Elaine Mays, Chief Information Officer
Eleazar Garcia, Chief Auditor
Lisa Capers, Senior Director of Administration & Training
Teresa Stroud, Senior Director of State Programs & Facilities
James Williams, Senior Director of Probation & Community Services

Chelsea Buchholtz, Chief of Staff
Royce Myers, Human Resource Director
Mike Meyer, Chief Financial Officer
Dr. Rajendra Parikh, Medical Director
Jeannette M. Cantu, Executive Assistant

OTHER GUESTS PRESENT:

Jeannette Lepe, TJJD	Karen Kennedy, TJJD
Ameli Pena, TJJD	Terri Dollar, TJJD
Terra Tucker, Sen. Whitmire	Rod Venner, TJJD
Kavita Gupta, TJJD	Dwight Sadler, TJJD
Rebecca Walters, TJJD	Kenneth Ming, TJJD
Lauren Rose, Texans Children	Sheri Short, Navarro College
Lizet Hinojosa, TJJD	James Burrous, Fort Bend Co.
Jeannette Burke, TJJD	J.C. Whitten, Fort Bend Co.
Sarah McCleary, TJJD	Carole Cockerham, Hood Co.
Ricardo Lombardo, TJJD	Karen Saucillo, TJJD
Diana Goodwin, TJJD	Tammy Holland, TJJD
Michelle Rangel, Fort Bend Co.	Lucy Rodriguez, TJJD
Edwardo Garza, TJJD	Fred Meinke, TJJD
Matthew Dobbs, Fort Bend Co.	Katrena Plummer, TJJD
Darrell Cockerham, Hood Co.	Ashley Kintzer, TJJD
Susan Humphrey, Bell Co.	Kaci Singer, TJJD
Beth Pate, Hood Co.	Connie Simon, TJJD
Doug Vance, Brazos Co.	Luther Taliaferro, TJJD
Jerome Williams, TJJD	Carolyn Beck, TJJD
Art Hinojosa, TJJD	Jim Southwell, TJJD
Vivian Cohn, TJJD	Sandy J. Pippin-Gomez
Sherlon Didier, TJJD	Pernilla Johansson, TJJD
Matthew Segura, TJJD	Scott Friedman, TJJD
Marie Welsch, TJJD	
April Jameson, TJJD	
Steve Roman, TJJD	
Kevin DuBose, TJJD	
Kathryn Mattingly, TJJD	
Mattie C. Amaya, TJJD	
Karol Davidson, TJJD	

Call to Order

Chairman Fisher called the meeting to order at 9:03 a.m.

Prayer

Jerome Williams opened the meeting with a prayer.

Pledge

The Pledge of Allegiance was recited.

Public Comments

There were no public comments.

Discussion, consideration, and possible approval regarding excused absences

Chairman Fisher acknowledged the absences Rene Olvera, Becky Gregory and Carol Bush. Mr. Stephens moved to excuse the absences. Ms. King seconded. The motion passed.

Discussion, consideration, and possible approval regarding the May 30, 2014 Board meeting minutes

Ms. King moved to approve the minutes. Commissioner Smith seconded. The motion passed.

Report from the Executive Director

David Reilly, Executive Director, called the Boards attention to the printed October report provided. The report is inclusive of prosocial and positive activities ongoing in the agency such as engaging youth in fun activities and work as well as supporting community programs and recognizing volunteers throughout the state.

The agency was called to testify at the House Corrections meeting where there were many questions about youth population, recidivism, vocational opportunities and special programming for youthful offenders. Presenting that day with Mr. Reilly were Amy Lopez, Superintendent of Education and Teresa Stroud, Senior Director of State Programs and Facilities. They did a wonderful job in describing the many activities and programs of the agency. Their passion came out in their presentations.

The agency was also called to testify at the House Appropriation Sub-Committee for Articles I, IV and V related to the Strategic Fiscal Review (SFR). The committee asked very engaging questions that the agency is in the process of answering. The agency has been asked many times over the last several weeks by members what the agency needs to do this job and to achieve its mission. Mr. Reilly is encouraged by this and the openness to explain the agency's needs beyond the Legislative Appropriations Request (LAR).

Mr. Reilly recognized Debbie Unruh, Chief Ombudsman, who will be conducting Focus Groups with front line staff. This will help the agency learn what we can do to retain staff.

The agency hosted a meeting for the Council of State Governments where Dr. Fabelo discussed his recidivism report, which will be released in January. The agency is working with the counties to develop

a comprehensive response for a broad consensus report of what we propose to do for better outcomes in the counties and the state.

Mr. Reilly introduced Carolyn Beck, Governmental Relations Specialist, who has come to the agency from the Texas Alcohol and Beverage Commission (TABC). He also introduced the new general counsel, Jill Mata, who is currently Chief of the Juvenile Section of the Bexar County District Attorney's Office and will be coming to the agency in mid-November. Mr. Reilly announced that Dr. Parikh, Medical Director, is leaving TJJD to work as Medicaid's Medical Director for HHSC.

Mr. Reilly recognized the following facilities that recently became certified as PREA compliant and the staff leadership present to accept the award: Ron Jackson – April Jameson and Karen Saucillo; Evins – Eddie Garza; and McFadden Ranch – Sherlon Didier.

Mr. Reilly recognized Karol Davidson, Staff Attorney, who is being inducted in the University of Texas Hall of Honor in November.

Chairman recessed for a break to take pictures with the honorees receiving awards for being PREA compliant.

Discussion, consideration, and possible action regarding the Fort Bend County Juvenile Board application for permanent variance for Title 37 Texas Administrative Code Sections 344.400(a)(5) and (6) and 344.810(3) related to the disqualifying criminal history of a certified officer

Lisa Capers, Senior Director of Training and Organizational Development, provided a brief background of the variance items before the board. This agency is mandated to set minimum standards for personnel and local probation departments. The administrative rules require that probation officers and supervision officers be certified. One of the requirements is they must pass a criminal background check. There is also a process for a variance of class b misdemeanor but nothing higher. Before you today, you will be considering two variances of this type.

Kaci Singer, Staff Attorney, presented the facts of the variance. Standards prohibit someone from holding a certification if they have a class B misdemeanor criminal conviction or deferred adjudication and must not be on active deferred adjudication supervision. To grant the variance, the Board must find the Juvenile Board has established each of the following:

- Compliance with the standard cannot be achieved
- The impact the variance would have on compliance with other standards
- How substantial compliance with the intent and purpose of the standard would be achieved through alternative means if the variance is granted
- How the health and safety of juveniles will be maintained if the variance is granted
- How compliance with the standard will result in undue hardship for the county entity
- How issuing the variance will not put the Juvenile Board, probation department, program, or facility in violation of any state or federal law

The requested variance is for certified officer James Burrous. Mr. Burrous is a certified juvenile probation officer who is classified as a Court Liaison Officer. Ms. Singer read the staff summary of the applicant's request for variance on pages 166 – 167 of the board materials. Additionally, she presented the variance precedent and history on page 168 of the board materials. Ms. Singer stated that staff are not presenting a recommendation on the variance but are however recommending terms should the Board decide to grant the variance and those terms can be found on page 169.

In response to a question by Joe Brown, Ms. Singer said the Board has the ability to grant the variance and make it effective at a later date. In response to a question by Judge Laura Parker, Ms. Singer said the Board has the ability to place terms on a probated suspension, there don't have to be terms for a suspension. In response to a question by Jane King, Ms. Singer said the Board must make an affirmative finding on every one of the criteria in order to grant the variance.

Kyle Dobbs, Chief Probation Officer, Fort Bend County Juvenile Probation Department, James Michael Burrous, Probation Officer, and Michelle Rangel, Fort Bend County Attorney appeared before the Board to present their request for the variance. Ms. Rangel provided the Board with a packet of information. She reviewed the offense information in detail and covered mitigating factors that they asked the Board to consider regarding James' conduct. She went on to explain the tremendous hardship the Department would face if James were unable to be employed as a juvenile probation officer and the amount of time and training the department has invested in James. Ms. Rangel stated James takes responsibility for his actions and has modified his lifestyle so this mistake does not happen again. Ms. Rangel provided responses to the TJJD staff summary and recommendation for application for variance from the standards report. In closing, she said it was their sincere hope and belief that they have

persuaded the Board that the variance process exists for employees like James Burrous. Mr. Burrous then read his personal statement to the Board.

In response to a question by Ms. Mendoza, Ms. Rangel confirmed there will be conditions he will have to abide by if the variance is granted. In response to a question by Judge Brieden, Ms. Rangel confirmed his driver's license was not suspended; it was not a condition of deferred adjudication by the judge. In response to a question by Mr. Brown, Mr. Burrous confirmed he received a notice of dismissal from DPS but had no explanation as to why. In response to a question by Judge Parker, Mr. Burrous stated the appropriate personnel are aware of this incident but more people know about it than he would like. Judge Parker expressed her concern about Mr. Burrous being able to supervise youth while he is on supervision himself. Ms. Rangel asked the Board to consider that should the youth find out about James' situation, James would be in a unique position of being able to explain that he's getting a second chance, like the youth. Mr. Burrous asked the Board to try and see the bigger picture instead of just the citation and penal code. In response to a question by Ms. Weiss, Chief Dobbs and Mr. Burrous confirmed the breathalyzer training he attended was a departmental training. Chief Dobbs added that Mr. Burrous has the full support of the department, his co-workers, and the 11 members of the juvenile board and they wouldn't be here if they felt like James would be a safety concern with any of the juveniles he works with. In response to a question by Chairman Fisher, Chief Dobbs confirmed that if the variance is not granted, James could very well lose his job because there are no other positions available to move him into. In response to a comment by Mr. Brown, Chief Dobbs confirmed that James is in a temporary position of auditing files while the variance is pending and other juvenile probation officers are temporarily working James' cases while he is not able to. This is not something that can continue to be done long term.

Chairman Fisher said this is obviously one of the more significant decisions we will look at as a Board. The Board agreed compliance with the standard cannot be achieved. Discussion ensued and then agreed the impact the variance would have on compliance with other standards was met. Judge Parker expressed her concern regarding someone on supervision supervising a youth. The Board agreed how substantial compliance with the intent and purpose of the standard would be achieved through alternative means if the variance is granted was met.

Mr. Stephens addressed Ms. Rangel and stated that she made a compelling and compassionate statement. He expressed his concern that he's not had enough time to analyze all of the information provided in order to vote on this item that impacts someone's life. But you also have to think about what's right for TJJD. Ms. Rangel thanked him for his candor and asked the Board to think of this as bigger than him, think of this as for Fort Bend County.

Commissioner Smith stated he was impressed with the support Mr. Burrous has from Fort Bend County and the judges. Mr. Burrous stated that earning the trust of a judge is no easy task, it's developed over time and actions and he doesn't take that lightly.

Mr. Brown expressed his concern regarding the seriousness of the offense. A DWI is the most serious class B misdemeanor. But he also thought 5 years suspension was too long; it's longer than the criminal probation itself. His preference would be to grant the variance but make it effective at a later date. Chairman Fisher said they have to determine as a Board that the juvenile board met all the findings first, before they can vote on granting or denying the variance.

The Board agreed the juvenile board met the finding for how the health and safety of juvenile will be maintained if the variance is granted. Discussion ensued regarding the finding for how compliance with the standard will result in undue hardship for the county entity. Chairman Fisher expressed his concern that he didn't feel undue had been met. Jane King stated that undue is very subjective but the juvenile department is the best person to answer that. The Board voted and agreed the juvenile board met the finding.

The Board agreed the juvenile board met the finding how issuing the variance will not put the juvenile board, probation department, program, or facility in violation of any state or federal law. The Board determined all the required criteria was established by the juvenile board.

Mr. Brown moved to grant the variance and make it effective 2 years after the disposition of the criminal offense; with active suspension of the officer's certification until June 2016. Mr. Stephens seconded. Ms. King moved to amend the motion, to grant the variance but that the discipline would be a suspension of the certification that would be in effect until June 2015 at which time the officer comes off of community supervision. Then the suspension would be probated for the remaining four years.

Commissioner Smith seconded. Discussion ensued to clarify the certification would be suspended until June 2019; the suspension is active until June 2015, and is probated from June 2015, through June 2019. All other terms as recommended by staff would be effective also. The vote was taken on the amended motion; 6 voting for and 4 voting against. The amended motion passed. The board then voted to grant the variance; 6 voting for and 4 voting against. The motion passed to grant the variance as amended.

Chairman Fisher called for a recess.

Discussion, consideration, and possible action regarding the Hood County Juvenile Board application for permanent variance for Title 37 Texas Administrative Code Section 344.400(a)(4) and (6) and 344.810(3) related to the disqualifying criminal history of a certified officer

Ms. Singer presented the facts of the variance. The requested variance is specific for certified officer Beth Pate. Ms. Pate is a certified juvenile probation officer who is classified as the Chief Juvenile Probation Officer for Hood County. Ms. Singer read the staff summary of the applicant's request for variance on pages 201 - 202 of the board materials. Additionally, she presented the variance precedent and history on page 202 - 203 of the board materials. Ms. Singer stated that staff are not presenting a recommendation on the variance but are however recommending terms should the Board decide to grant the variance and those terms can be found on page 203 - 204.

Darrell Cockerham, Hood County Judge, and Beth Pate, Chief Probation Officer, appeared before the Board to present their request for the variance. Judge Cockerham stated that Ms. Pate received unpaid leave for one month. She is in good standing with the Hood County Juvenile Board. Her knowledge and experience is vital to the success of the program. The loss of her experience would throw the department way behind. She is extremely contrite about this incident and she's had no previous convictions. The juvenile board is behind granting this variance. She does not have direct supervision of juveniles. If the department were to lose her it will hurt the kids more than anything. In making this decision, you must consider the best interest of the kids in Hood County.

Mr. Stephens asked how it's going to impact the kids if she doesn't have direct supervision of the kids. Judge Cockerham said that she supervises the officers that have direct supervision of the kids. Ms. Pate stated that she works directly with the families and assists with getting programs started for the kids.

In response to a question by Mr. Brown, Judge Cockerham stated that if the variance is not granted, Ms. Pate will lose her certification and lose her job. Ms. King confirmed she would no longer be able to be a Chief or a probation officer.

In response to a question by Chairman Fisher, Ms. Pate said although it was reviewed, she maintains her social worker license. She thanked the Board for their time and apologized for her actions. She said this is not typical of her. She said she is on supervision with the county and has an interlock device on her vehicle. She can assure the Board this will never happen again. Ms. Mendoza commented that she cannot condone anyone driving while intoxicated. That creates a safety concern for everyone involved and asked how she can assure the Board this will not happen again. Ms. Pate briefly explained the occurrence on the day of the incident and assured the Board this was the only time this has happened and it will not happen again.

The Board agreed each of the criteria were met:

- Compliance with the standard cannot be achieved
- The impact the variance would have on compliance with other standards
- How substantial compliance with the intent and purpose of the standard would be achieved through alternative means if the variance is granted
- How the health and safety of juveniles will be maintained if the variance is granted
- How compliance with the standard will result in undue hardship for the county entity
- How issuing the variance will not put the Juvenile Board, probation department, program, or facility in violation of any state or federal law

Mr. Brown moved to approve the variance with a 3 year active suspension of her certification; August 2017. Mr. Stephens seconded. Discussion ensued regarding the seriousness of this offense. Commissioner Smith stated that even if you suspended it for one year, there is still no lateral move for her. Ms. Weiss asked for clarification regarding the alcohol she consumed because Ms. Pate stated it was alcohol and diet coke but the report said it was margaritas. Ms. Pate stated that the offense report was incorrect; she was drinking diet coke and alcohol. Mr. Brown asked if she watched the video. Ms. Pate said she did not, her attorney watched the video.

Being no further discussion the vote was taken on the motion to grant the variance; 4 voting for and 6 voting against. The motion failed.

Judge Parker moved to deny the variance. Mr. Matthew seconded. The motion passed unanimously.

Chairman Fisher called for recess.

Report from the Advisory Council

Doug Vance, Brazos County Juvenile Services and Vice Chair of the Advisory Council, stated the council met on October 17, 2014 where Mr. Reilly provided information regarding the ongoing work of TJJD, provided an update regarding the recidivism study by the Council of State Governments and an update regarding the LAR, indicating two exceptional items to be included in the 2016/2017 LAR regarding community based services had been reprioritized. Lisa Capers provided updates with regard to the PREA information and documents. The council will be facilitating getting the draft document to the field to coordinate feedback. The standard sub-committee met in September and October 2014 and completed its review of Disciplinary Seclusion standards and definitions, to be presented at an upcoming Board meeting. Revisions and recommendations regarding Chapter 343 are scheduled to be presented to the Board today. The Funding Committee will be working with TJJD on the uniform cost report from the Legislative Budget Board (LBB) and also work with TJJD and Regional Associations to determine the potential impact and cost that raising the age of jurisdiction will have for juvenile justice. Mr. Matthew thanked Chief Vance for the councils work.

Report from the Inspector General

Roland Luna, Chief Inspector General, referred to page 29 of the Board materials. He stated fiscal year 2014 aggregates were discussed in detail at yesterday's committee meeting. Of the 13,161 reports that came into the Incident Reporting Center (IRC), OIG retained 1,385 for investigation. The distribution of the remaining cases is listed in your materials. From the number of cases the OIG retained for investigation during FY 2014, the OIG referred four percent less cases for prosecution than in FY 2013. In response to a question by Judge Brieden, Inspector General Luna clarified the indicators provided are for entire FY 2013 and FY 2014. Noteworthy of the Investigative Life Cycle on page 30, is the average case completion time is 40 days which is an improvement.

In other OIG news, Inspector General Luna reported the Safety & Security Advisory Committee, comprised of the OIG, Office of the Independent Ombudsman, Internal Audit, Monitoring & Inspections, Administrative Investigations and State Programs & Facilities, will use outcomes from audits, inspections, investigations, sites visits and reviews and focus on structural improvements, personnel matters, policy matters, and training, and make recommendations to Mr. Reilly to improve safety and security overall. The OIG is currently hiring staff and creating policy and procedure for the Security Intelligence Officer Program. December 1 is the expected implementation date of the entire program. All but one facility has been implemented for the Serious Incident Response protocol.

Report from the Administrative Investigations Division

Kevin DuBose, Director of the Administrative Investigations Division, referred to page 31 of the Board materials for county summary comparisons for FY 2013 and FY 2014. There was an increase in total reports received as compared to FY 2013 with an increase in abuse, neglect & exploitation (ANE) investigations. However, the majority of the 2908 cases opened, were grievances. There were 371 cases closed in FY 2014 and some of those cases consisted of cases opened in FY 2013. On page 32 of the board materials, he reviewed the state summary comparisons for FY 2013 and 2014. Noteworthy, there were 1292 cases opened in FY 2014, a 35% increase from FY 2013. The majority were for policy violation investigations. There was a decrease in ANE investigations. A sign of progress, 481 cases were closed in less than 30 days. Lastly, Investigator Pam Gereau was nominated for the National Internal Affairs Investigator of the Year; one of ten nominees.

Chairman Fisher said we were going to move through the remainder of the agenda as quickly as possible but offered the Board members the opportunity to speak up if they needed to or had questions regarding any of the items before the board.

Mr. Brown left the meeting at 11:39 a.m.

Discussion and possible approval to obtain appraisals of the Wende Trust properties and to amend the 2015 operating budget for the Wende Trust to provide payment for land lease appraisals located at 1207 and 1209 Barton Springs Road

Chairman Fisher explained the item before the board as discussed in detail with the Trust Committee is to amend the Wende Trust operating budget and set a \$20,000 cap initially to allow staff to do a RFQ to do an appraisal of the two properties. Commissioner Smith moved to approve the resolution. Ms. King seconded. The motion passed.

Discussion and possible approval to remove the CAPPs Human Resources system from the list of TJJD's exceptional items

Chairman Fisher explained the item before the Board as discussed in detail with the Finance and Audit Committee is to amend the exceptional items request for the Legislative Appropriations Request (LAR) and to eliminate the CAPPs Human Resources system from the list. Ms. King moved to approve the resolution. Judge Brieden seconded. The motion passed.

Discussion and possible approval regarding Board authorization to designate a housing allowance for Chaplains

Chairman Fisher explained the item before the Board is a zero financial impact to the agency. It allows the Chaplains to designate a portion of their compensation as housing allowance and it has to be approved annually. When they file their income taxes, they have to document their housing allowance. Judge Brieden moved to approve the resolution. Commissioner Smith seconded. The motion passed.

Discussion, consideration, and possible approval regarding the Gainesville State School Audit

Eleazar Garcia, Chief Auditor, reported the audit included objectives related to student trust funds and due process hearings. He pointed out a wording change to the draft report remove "student trust funds" from the bold statement. The audit determined that monitoring of Student Banking Reports could ensure student trust funds follow the youth, enhancements to the student banking system reports could ensure trust funds transferred from closed facilities are escheated timely and while Level II Hearing documentation supports compliance of due process for youth admitted to the Redirect

Program, controls could be strengthened to ensure digital recordings are maintained. Management concurred with the audit findings. Ms. Stephens moved to approve the audit report. Ms. King seconded. The motion passed.

Discussion, consideration, and possible approval regarding the Risk Management Audit

Mr. Garcia stated the Risk Management Division works to minimize risk, enhance safety practices, and control loss within the agency. The audit determined that Risk Management oversight could improve the consistency of Accident Review Board (ARB) meetings and compliance, agency has a policy in place for reporting claims to the State Office of Risk Management (SORM), management oversight can improve the completion of inspections and red zone reports can be improved to ensure the utilization of action plans. Management concurred with the audit findings. Mr. Matthew moved to approve the audit report. Ms. Weiss seconded. The motion passed.

Discussion, consideration, and possible approval regarding the Internal Audit Charter

Mr. Garcia stated the change being made to the current Charter in place is the name of the Executive Director, David Reilly, as a signatory of the document. Judge Parker moved to approve the amended Internal Audit Charter. Judge Brieden seconded. The motion passed.

Discussion, consideration, and possible approval regarding the Risk Assessment and FY 2015 Audit Plan

Mr. Garcia briefly described the risk assessment process and factors used to define the FY 2015 Annual Audit Plan and its purpose. He referred the Board members to the risk assessment scores found on pages 88 – 89 and the proposed FY 2015 Annual Audit Plan on page 90 before the Board for approval. Mr. Stephens moved to approve the FY 2015 Audit Plan. Ms. Weiss seconded. The motion passed.

Discussion, consideration, and possible approval regarding the FY 2014 Annual Internal Audit Report

Mr. Garcia stated a new addition to this report from previous years is that it is now required that a status of recommendations of prior audit plan projects be included. Ms. Mendoza moved to approve the FY 2014 Annual Internal Audit Report. Ms. King seconded. The motion passed.

Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC Chapter 343, relating to Secure Juvenile Pre-Adjudication Detention and Post-Adjudication Correctional Facilities

Karol Davidson, Staff Attorney, stated at the May 2014 Board meeting, the Board approved posting the revisions for a 30-day public comment period. As a result of comments received, staff is recommending the following additional changes to the revisions:

- In §343.260, allow physician assistants (in addition to physicians) to conduct anal or genital body cavity searches.
- In §343.414, delete the reference to an “admission form” and insert a more generic reference to admission documentation. Also in §343.414, specify that only “available” information must be considered when making housing assignments (to reflect the possibility that some of the information in the behavioral screening may not be immediately available).
- In §343.416, add clarification to indicate that disabilities are an example of the special considerations that should be reflected in the facility’s classification plan.
- In §343.418 and §343.612, delete the requirement for staff to enter “unknown,” “not applicable” or a line in every space or electronic field in the admission records if a required piece of information is unknown at the time of admission.
- In §343.800, delete “or to modify an individual’s behavior” as a possible reason for using a restraint.
- In §343.802, clarify that imminence is a required element for all three justifications for using restraints, not just the first justification in the list (i.e., prevent *imminent or active* injury, prevent *imminent or active* serious property damage, or prevent *imminent or active* escape).

Judge Brieden moved to approve the amended rule revisions for final adoption. Judge Parker seconded. The motion passed. Ms. King moved to approve the agency’s responses to the public comments. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §380.8715, relating to Title IV-E Foster Care Youth, and 37 TAC §380.8733 (renumbered as §380.8581), relating to Supervision Levels in Parole Home Placement

Ms. Davidson stated as part of TJJD's rule review, the Probation and Community Services Division proposed changes to assigned rules from Chapter 380, at the June 2014 Board meeting. The Board approved posting the revisions and a rule review notice for a 30-day public comment period. There were no comments. The staff requests the Board's approval to adopt the final rules as proposed. Ms. Mendoza moved to approve the final rule for adoption. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §§380.8701-380.8707, 380.8751-380.8785, and 380.8789-380.8795, relating to Treatment

Teresa Stroud, Senior Director of State Program and Facilities, stated as part of TJJD's rule review, the State Programs and Facility's Division proposed changes to assigned rules from Chapter 380, at the June 2014 Board meeting. The Board approved posting the revisions and a rule review notice for a 30-day public comment period. There were no comments. However, the staff is recommending one additional change in 380.8751, to clarify that a youth's need for on-site treatment, in addition to off-site treatment, is considered when determining whether a youth should be classified as having a low or moderate medical need. Mr. Matthew moved to approve the final rule for adoption. Ms. King seconded. The motion passed.

Discussion, consideration, and possible final adoption of revisions to 37 TAC §380.9707, relating to Custody and Supervision Rating

Ms. Stroud stated at the June 2014 Board meeting, the Board approved the posting of proposed revision to 380.9707 for a 30-day public comment period. There were no comments and the staff is not recommending any further changes. The staff now requests the Board's approval to adopt the final rule as proposed. Ms. Weiss moved to approve the final rule for adoption. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible approval to publish revisions to 37 TAC §380.8787, relating to Sex Offender Risk Assessment, in the *Texas Register* for a 30-day public comment period

Ms. Stroud stated this rule was presented to the TJJD Board in June 2014 as part of the rule review for the subchapter concerning treatment services. However, the Board expressed concerns that the

proposed draft would have unnecessarily removed TJJ's ability to issue its own overrides of sex offender risk scores. The Board did not approve the draft and asked staff to consider the issue again. The draft being presented today does not make any changes to TJJ's override authority. Changes to the rule include clarification to show that the sex offender risk assessment used by TJJ is a validated instrument and that there is no requirement for staff to be certified in administering the risk assessment instrument. Staff must be trained by a qualified trainer, but there is no certification process for those who are trained. Staff requests approval to submit the proposed rule to the Texas Register for a 30-day public comment period. Ms. Mendoza moved to approve the submittal of the proposed rule for public comment. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible final adoption of revisions to 37 TAC §380.9331, relating to Youth Grievance System

Karen Kennedy, Deputy General Counsel, stated at the May 2014 Board meeting, the Board approved the posting of proposed revision to 380.9331 in the Texas Register for a 30-day public comment period. There were no comments and staff is not recommending any further revisions. The staff now requests the Board's approval to adopt the final rule as proposed. Judge Brieden moved to approve the final rule for adoption. Judge Parker seconded. The motion passed.

Chairman Fisher stated the scheduled Board meeting for November has been cancelled. Dates for the 2015 Board meetings would be forthcoming. He adjourned the meeting at 12:12 p.m.